

ORDINANCE NO. O2016-009

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Tumwater Municipal Code 18.38.090, Special flood hazard area, to reference the final official date of the Flood Insurance Rate Map and Flood Insurance Study produced by the Federal Emergency Management Agency (amending Ordinance O2015-007, Amended, 02/02/2016).

WHEREAS, the Federal Emergency Management Agency has produced a new digital Flood Insurance Study and Flood Insurance Rate Map for the Deschutes River; and

WHEREAS, the City of Tumwater is required to adopt the new digital Flood Insurance Study and Flood Insurance Rate Map for the Deschutes River and to regulate development within flood prone areas; and

WHEREAS, the City of Tumwater is required to plan under Chapter 36.70A RCW, the Growth Management Act (GMA), which contains fourteen goals that are intended to guide the development and adoption of comprehensive plans, which relate to urban growth, rural development, reduced sprawl, transportation, housing, economic development, property rights, permits, natural resource industries, open space and recreation, environment, citizen participation and coordination, public facilities and services, historic preservation, and shoreline management; and

WHEREAS, the City of Tumwater has adopted a Comprehensive Plan, in accordance with the GMA; and

WHEREAS, the proposed amendments to the City's existing floodplain regulations are consistent with the City's Comprehensive Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 18.38.090 of the Tumwater Municipal Code is hereby amended to read as follows:

A. The special flood hazard area (SFHA) is the area subject to flooding by the base flood and subject to the provisions of this chapter. It is identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "Flood Insurance Study for Thurston County, Washington and Incorporated Areas," dated ~~December 19, 2014~~October 16, 2012, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM) for Thurston

County, Washington and Incorporated Areas, dated ~~December 19, 2014~~October 16, 2012, and any revisions thereto, which are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at Tumwater City Hall, 555 Israel Road SW, Tumwater, Washington 98501.

B. Upon receipt of a floodplain development permit application, the floodplain administrator shall compare the elevation of the site to the base flood elevation. A development project is not subject to the requirements of this chapter if it is located on land that can be shown to be:

1. Outside the protected area; and
2. Higher than the base flood elevation as demonstrated by an elevation certificate.

The floodplain administrator shall inform the applicant that the project will still be subject to the flood insurance purchase requirements unless the owner receives a letter of map amendment from FEMA.

C. The floodplain administrator shall make interpretations where needed, as to the exact location of the boundaries of the SFHA and the protected area (e.g., where there appears to be a conflict between the mapped SFHA boundary and actual field conditions as determined by the base flood elevation and ground elevations). The applicant may appeal the floodplain administrator's interpretation of the location of the boundary to the hearing examiner.
(Ord. O2015-007, Amended, 02/02/2016)

Section 2. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law

ADOPTED this 19th day of July, 2016.

CITY OF TUMWATER



Pete Kmet, Mayor

ATTEST:

Melody Valiant
Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick
Karen Kirkpatrick, City Attorney

Published: 07-21-2016

Effective Date: 08-20-2016